

REMARKS

In the Office Action mailed June 23, 2006, the Examiner rejected claims 1-3, 6, 7, 9-14, 16, and 17 under 35 U.S.C. § 102(e) as being anticipated by Karve (U.S. Application Pub. No. 2002/0137530); rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Karve in view of Dehlin (U.S. Application Pub. No. 2004/0203942); and rejected claim 5 under U.S.C. § 103(a) as being unpatentable over Karve in view of Sabo et al. (U.S. Application Pub. No. 2003/0096626).

In view of the remarks that follow, Applicants respectfully traverse the Examiner's rejections of the claims under 35 U.S.C. §§ 102 and 103.

Rejections Under 35 U.S.C. § 102

In order to properly anticipate Applicants' claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found, either expressly described or under principles of inherency, in a single prior art reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in...the claim." See M.P.E.P. § 2131 (8th Ed., Rev. 3, Aug. 2005), quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989). Finally, "[t]he elements must be arranged as required by the claim." § 2131 (8th ed., 2005), p. 2100-76.

The Examiner rejected claims 1-3, 6, 7, 9-14, 16, and 17 under 35 U.S.C. § 102(e) as being anticipated by Karve. Applicants respectfully traverse this rejection, since Karve fails to teach each and every element of the claims.

Applicants respectfully submits that Karve does not disclose or suggest at least the combination of steps in claim 1. For example, the reference does not disclose or suggest “formatting the SMS message according to characteristics of the preferred device, wherein the formatted message has a format other than SMS,” as recited in claim 1.

Karve discloses a cellular telephone that allows received SMS messages to be forwarded to another number or device (abstract). SMS messages can be forwarded in accordance with a selected automatic forwarding option (paragraph [0034]). Exemplary forwarding options include automatically forwarding all message to a predefined number or numbers, forwarding all messages received from one or more predetermined senders to one or more predefined numbers, and forwarding all message to a predetermined address when memory is full (paragraphs [0035] and [0036]). In sending an SMS message, an SMS center may add additional header information to the message {paragraph [0028]}.

In contrast, claim 1 recites “formatting the SMS message according to characteristics of the preferred device, wherein the formatted message has a format other than SMS.” The Examiner points to paragraph [0028] as allegedly teaching “formatting the SMS message according to characteristics of the preferred device,” as recited in claim 1. Even if the cited text or some other portion of Karve were to show “formatting the SMS message according to characteristics of the preferred device” (which Applicants dispute), Karve does not disclose that “the formatted message has a format other than SMS,” as recited in claim 1. Instead, Karve takes an SMS message

and adds some additional header information. The message is still SMS format.

Therefore, Karve does not disclose, teach, or suggest “formatting the SMS message according to characteristics of the preferred device, wherein the formatted message has a format other than SMS,” as recited in claim 1 (emphasis added).

For at least the foregoing reasons, Applicants submit that claim 1 is not anticipated by Karve. Because independent claims 9, 12, and 16 recite language similar to that which distinguishes claim 1 from Karve, Applicants further submit that claims 9, 12, and 16 are not anticipated by Karve for at least the reasons given with respect to claim 1.

The dependent claims 3, 6, 7, 10, 13, and 17 are allowable, not only for the reasons stated above with regard to their respective allowable base claims, but also for their own additional features that distinguish them from Karve.

Rejections Under 35 U.S.C. § 103(a)

Applicants respectfully traverse the rejection under 35 USC §103. No prima facie case of obviousness has been established.

To establish a prima facie case of obviousness, three basic criteria must be met. First, the prior art reference as modified must teach or suggest all the claim elements. Second, there must be some suggestion or motivation, either in the reference or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine the reference teachings. Third, a reasonable expectation of success must exist. Moreover, each of these requirements must “be found in the prior art, not in

applicant's disclosure." (M.P.E.P. § 2143 (8th ed., Rev. 3, 2005)). Here, no prima facie case of obviousness has been established for at least the reason that the cited references fail to teach each and every element of the claims.

Karve in view of Dehlin

The Examiner rejected claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Karve in view of Dehlin. Because claim 4 is a dependent claim, it requires all elements of its base claim. As set forth above, Karve fails to teach or suggest all elements recited in claim 1 and required by claim 4. Dehlin fails to cure the deficiencies of Karve. Accordingly, the rejection of claim 4 is unsupported for the reasons stated above with regard to claim 1. Moreover, Applicants respectfully submit that this claim is distinguishable over the applied references for its own patentable features.

Because the references collectively fail to teach or suggest each of the features of claim 4, a prima facie case of obviousness has not been established.

Karve in view of Sabo et al.

The Examiner rejected claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Karve in view of Sabo et al. Because claim 5 is a dependent claim, it requires all elements of its base claim. As set forth above, Karve fails to teach or suggest all elements recited in claim 1 and required by claim 4. Sabo et al. fails to cure the deficiencies of Karve. Accordingly, the rejection of claim 4 is unsupported for the reasons stated above with regard to claim 1. Moreover, Applicants respectfully submit that this claim is distinguishable over the applied references for its own patentable features.

Based on the above remarks, Applicants request that the Examiner withdraw this rejection.

CONCLUSION

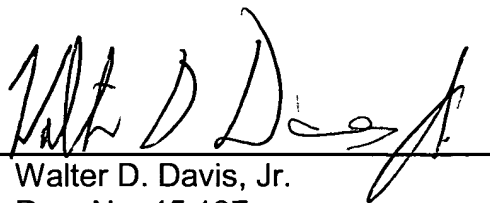
In view of the foregoing remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this Reply and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: September 25, 2006

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